

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

JUDY JIEN, *et al.*

on behalf of themselves and all others similarly  
situated,

Plaintiffs,

v.

PERDUE FARMS, INC., *et al.*

Defendants.

CIVIL ACTION NO. 1:19-CV-2521-SAG

**ANSWER OF TYSON FOODS, INC. AND KEYSTONE FOODS, LLC**

Defendants Tyson Foods, Inc. (“Tyson Foods”) and Keystone Foods, LLC (“Keystone Foods” and collectively with Tyson Foods, the “Tyson Defendants”) respond to the Second Amended Consolidated Complaint (“Second ACC”) of Plaintiffs Judy Jien, Kieo Jibidi, Elaisa Clement, Glenda Robinson, and Emily Earnest (collectively, “Plaintiffs”) as follows. The Tyson Defendants deny all allegations not specifically admitted herein. The Tyson Defendants also deny any factual allegations contained in the headings and/or subheadings of the Second ACC, to the extent that any such allegations require a response. The Tyson Defendants expressly state that they value their team members, pay their team members meaningful and competitive wages, and support their team members in the pursuit of their educational and professional objectives. The health and safety of their team members is the Tyson Defendants’ top priority. The Tyson Defendants deny that the Second ACC states any viable claim for relief and deny that the claims therein can or should be adjudicated on a classwide basis pursuant to Fed. R. Civ. Pr. 23.

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1. Paragraph 1 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 1 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 1 and, on that basis, deny those allegations.

2. The Tyson Defendants deny the allegations in Paragraph 2 as they relate to the Tyson Defendants, except admit that they and/or certain of their affiliates own and/or operate poultry processing plants and/or sell poultry in the United States. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 2 and, on that basis, deny those allegations.

3. The Tyson Defendants deny the allegations in Paragraph 3 as they relate to the Tyson Defendants, except admit that they and/or certain of their affiliates own and/or operate poultry processing plants in the continental United States. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 3 and, on that basis, deny those allegations.

4. The Tyson Defendants deny the allegations in Paragraph 4 as they relate to the Tyson Defendants, except admit that they and/or their affiliates compensate team members at poultry processing plants that are owned and/or operated by the Tyson Defendants and/or their affiliates. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 4 and, on that basis, deny those allegations.

5. Paragraph 5 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 5 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient

to form a belief as to the truth of the remaining allegations in Paragraph 5 and, on that basis, deny those allegations.

6. Paragraph 6 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 6 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 6 and, on that basis, deny those allegations.

7. Paragraph 7 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 7 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 7 and, on that basis, deny those allegations.

8. Paragraph 8 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 8 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 8 and, on that basis, deny those allegations.

9. Paragraph 9 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 9 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 9 and, on that basis, deny those allegations.

10. Paragraph 10 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 10 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 10 and, on that basis, deny those allegations.

11. Paragraph 11 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 11 as they relate to the Tyson Defendants, except they admit that Plaintiffs seek an injunction and monetary relief under the Sherman Act and purport to bring claims on behalf of a putative class. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 11 and, on that basis, deny those allegations.

12. Paragraph 12 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants admit the allegations in Paragraph 12, except they deny that the Court has jurisdiction over any claims for which Plaintiffs lack standing to pursue claims either on their own behalf or on behalf of members of the putative class.

13. Paragraph 13 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 13 as they relate to the Tyson Defendants, except they admit that the Tyson Defendants transacted business in the United States and/or sold poultry products in the state of Maryland. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 13 and, on that basis, deny those allegations.

14. Paragraph 14 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 14 as

they relate to the Tyson Defendants, except they admit that they transacted business in, were found within, and/or had agents in the District of Maryland. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 14 and, on that basis, deny those allegations.

15. The Tyson Defendants deny the allegations in Paragraph 15 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 15 and, on that basis, deny those allegations.

16. The Tyson Defendants deny the allegations in Paragraph 16 as they relate to the Tyson Defendants, except admit that Kieo Jibidi was employed as a deboner at a poultry processing plant in Springdale, Arkansas operated by an affiliate of Tyson Foods from November 28, 2016 to December 5, 2016. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 16 and, on that basis, deny those allegations.

17. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 17 and, on that basis, deny those allegations.

18. The Tyson Defendants deny the allegations in Paragraph 18 as they relate to the Tyson Defendants, except admit that Glenda Robinson was employed at a poultry processing plant in Forest, Mississippi operated by a subsidiary of Tyson Foods from January 14, 2002 to February 3, 2015. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 18 and, on that basis, deny those allegations.

19. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 19 and, on that basis, deny those allegations.

20. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 20 and, on that basis, deny those allegations.

21. Paragraph 21 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 21 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 21 and, on that basis, deny those allegations.

22. The Tyson Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 22 and, on that basis, deny those allegations.

23. Paragraph 23 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 23 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 23 and, on that basis, deny those allegations.

24. The Tyson Defendants admit the allegations in Paragraph 24.

25. The Tyson Defendants admit that Tyson Foods and the entities in its corporate family compensate team members and that Tyson Foods is a publicly traded Delaware corporation headquartered in Springdale, Arkansas. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 25 and, on that basis, deny those allegations.

26. Paragraph 26 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 26.

27. The Tyson Defendants admit that during certain times within the proposed class period, Keystone Foods and/or its affiliates compensated its team members and that Keystone Foods, LLC is a Delaware corporation located in West Chester, Pennsylvania and is a wholly-owned subsidiary of Tyson Foods. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 27 and, on that basis, deny those allegations.

28. Paragraph 28 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 28.

29. The Tyson Defendants deny that it is appropriate or accurate to treat separate corporate entities as a single corporate entity.

30. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 30 and, on that basis, deny those allegations.

31. Paragraph 31 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 31 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 31 and, on that basis, deny those allegations.

32. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 32 and, on that basis, deny those allegations.

33. The Tyson Defendants deny the allegations in Paragraph 33 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge and information sufficient to form a

belief as to the truth of the remaining allegations in Paragraph 33 and, on that basis, deny those allegations.

34. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 34 and, on that basis, deny those allegations.

35. Paragraph 35 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 35 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 35 and, on that basis, deny those allegations.

36. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegation in Paragraph 36 and, on that basis, deny those allegations.

37. Paragraph 37 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 37 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 37 and, on that basis, deny those allegations.

38. The Tyson Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 38 and, on that basis, deny those allegations.

39. Paragraph 39 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 39 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 39 and, on that basis, deny those allegations.



40. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 40 and, on that basis, deny those allegations.

41. Paragraph 41 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 41 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 41 and, on that basis, deny those allegations.

42. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 42 and, on that basis, deny those allegations.

43. Paragraph 43 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 43 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 43 and, on that basis, deny those allegations.

44. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 44 and, on that basis, deny those allegations.

45. Paragraph 45 consists of legal conclusion to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 45 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 45 and, on that basis, deny those allegations.

46. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 46 and, on that basis, deny those allegations.

47. Paragraph 47 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 47 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 47 and, on that basis, deny those allegations.

48. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 48 and, on that basis, deny those allegations.

49. Paragraph 49 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegation sin Paragraph 49 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 49 and, on that basis, deny those allegations.

50. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 50 and, on that basis, deny those allegations.

51. Paragraph 51 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 51 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 51 and, on that basis, deny those allegations.

52. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 52 and, on that basis, deny those allegations.

53. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 53 and, on that basis, deny those allegations.

54. Paragraph 54 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 53 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 54 and, on that basis, deny those allegations.

55. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 55 and, on that basis, deny those allegations.

56. Paragraph 56 consists of legal conclusions to which a response is not required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 56 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 56 and, on that basis, deny those allegations.

57. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 57 and, on that basis, deny those allegations.

58. Paragraph 58 consists of legal conclusions to which a response is not required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 58 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 58 and, on that basis, deny those allegations.

59. The Tyson Defendants deny the allegations in Paragraph 59 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 59 and, on that basis, deny those allegations.

60. Paragraph 60 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 60 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 60 and, on that basis, deny those allegations.

61. The Tyson Defendants deny the allegations in Paragraph 61 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 61 and, on that basis, deny those allegations.

62. Paragraph 62 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 62 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 62 and, on that basis, deny those allegations.

63. Paragraph 63 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 63 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 63 and, on that basis, deny those allegations.

64. Paragraph 64 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 64 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information

sufficient to form a belief as to the truth of the remaining allegations in Paragraph 64 and, on that basis, deny those allegations.

65. Paragraph 65 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 65 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 65 and, on that basis, deny those allegations.

66. Paragraph 66 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 66, except they admit that Tyson Prepared Foods, Inc. is a Delaware corporation located in Springdale, Arkansas; that Tyson Prepared Foods, Inc. is a wholly-owned subsidiary of Tyson Foods; and that Tyson Prepared Foods, Inc. own and/or operates certain poultry processing plants in the United States and/or compensates team members that work at those plants.

67. Paragraph 67 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 67, except they admit that The Hillshire Brands Company is a Maryland corporation located in Springdale, Arkansas; that The Hillshire Brands Company is a wholly-owned subsidiary of Tyson Foods; and that The Hillshire Brands Company or its affiliates own and/or operate certain poultry processing plants in the United States and/or compensates team members that work at those plants.

68. Paragraph 68 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 68, except they admit that Tyson Fresh Meats, Inc. is a Delaware corporation located in Springdale, Arkansas; that Tyson Fresh Meats, Inc. is a wholly-owned subsidiary of Tyson Foods; and that

Tyson Fresh Meats, Inc. owns and/or operates certain poultry processing plants in the United States and/or compensates team members that work at those plants.

69. Paragraph 69 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 69, except they admit that Tyson Processing Services, Inc. is a Delaware corporation located in Springdale, Arkansas; that Tyson Processing Services, Inc. is a wholly-owned subsidiary of Tyson Foods; and that Tyson Processing Services, Inc. or its affiliates own and/or operate a poultry processing plant in Nebraska and/or compensates team members that work at those plants.

70. Paragraph 70 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 70, except they admit that Tyson Refrigerated Processed Meats, Inc. is a Delaware corporation located in Springdale, Arkansas; that Tyson Refrigerated Processed Meats, Inc. is a wholly-owned subsidiary of Tyson Foods; and that Tyson Refrigerated Processed Meats, Inc. or its affiliates owns and/or operates two poultry processing plants in Texas and/or compensates team members that work at those plants.

71. Paragraph 71 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 71, except they admit that Tyson Farms, Inc. is a North Carolina corporation located in Springdale, Arkansas; that Tyson Farms, Inc. is a wholly-owned subsidiary of Tyson Foods; and that Tyson Farms, Inc. and/or its affiliates own and/or operate certain poultry processing plants in the United States and/or compensates team members that work at those plants.

72. Paragraph 72 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 72,

except they admit that Tyson Sales and Distribution, Inc. is a Delaware corporation located in Springdale, Arkansas; that Tyson Sales and Distribution, Inc. is a wholly-owned subsidiary of Tyson Foods; and that Tyson Sales and Distribution, Inc. or its affiliates own and/or operate certain poultry processing plants in the United States and and/or compensates team members that work at those plants.

73. Paragraph 73 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 73, except they admit that Equity Group Eufaula Division, LLC is a Delaware corporation located in Bakerhill, Alabama; that Equity Group Eufaula Division, LLC is a wholly-owned subsidiary of Tyson Foods; and that Equity Group Eufaula Division, LLC or its affiliates own and/or operate certain poultry processing plants in Alabama and/or compensates team members that work at those plants.

74. Paragraph 74 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 74, except they admit that Equity Group—Georgia Division, LLC is a Delaware corporation located in Camilla, Georgia; that Equity Group—Georgia Division, LLC is a wholly-owned subsidiary of Tyson Foods; and that Equity Group—Georgia Division, LLC or its affiliates own and/or operate certain poultry processing plants in Georgia and/or compensates team members that work at those plants.

75. Paragraph 75 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 74, except they admit that Equity Group Kentucky Division, LLC is a Delaware corporation located in Albany, Kentucky; that Equity Group Kentucky Division, LLC is a wholly-owned subsidiary

of Tyson Foods; and that Equity Group Kentucky Division, LLC or its affiliates own and/or operate certain poultry processing plants in Kentucky and/or compensates team members that work at those plants.

76. Paragraph 76 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 76 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 76 and, on that basis, deny those allegations.

77. Paragraph 77 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 77 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 77 and, on that basis, deny those allegations.

78. Paragraph 78 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 78 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 78 and, on that basis, deny those allegations.

79. Paragraph 79 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 79 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 79 and, on that basis, deny those allegations.



80. Paragraph 80 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 80 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 80 and, on that basis, deny those allegations.

81. Paragraph 81 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 81 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 81 and, on that basis, deny those allegations.

82. Paragraph 82 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 82 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 82 and, on that basis, deny those allegations.

83. Paragraph 83 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 83 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 83 and, on that basis, deny those allegations.

84. Paragraph 84 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 84 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient

to form a belief as to the truth of the remaining allegations in Paragraph 84 and, on that basis, deny those allegations.

85. Paragraph 85 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 85 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 85 and, on that basis, deny those allegations.

86. Paragraph 86 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 86 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 86 and, on that basis, deny those allegations.

87. Paragraph 87 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 87 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 87 and, on that basis, deny those allegations.

88. Paragraph 88 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 88 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 88 and, on that basis, deny those allegations.

89. Paragraph 89 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 89 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 89 and, on that basis, deny those allegations.

90. Paragraph 90 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 90 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 90 and, on that basis, deny those allegations.

91. Paragraph 91 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 91 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 91 and, on that basis, deny those allegations.

92. Paragraph 92 consists of legal allegations to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 92 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 92 and, on that basis, deny those allegations.

93. Paragraph 93 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 93 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information

sufficient to form a belief as to the truth of the remaining allegations in Paragraph 93 and, on that basis, deny those allegations.

94. Paragraph 94 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 94 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 94 and, on that basis, deny those allegations.

95. Paragraph 95 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 95 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 95 and, on that basis, deny those allegations.

96. Paragraph 96 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 95 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 96 and, on that basis, deny those allegations.

97. Paragraph 97 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 97 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 97 and, on that basis, deny those allegations.

98. Paragraph 98 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 98 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 98 and, on that basis, deny those allegations.

99. Paragraph 99 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 98 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 99 and, on that basis, deny those allegations.

100. Paragraph 100 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 100 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 100 and, on that basis, deny those allegations.

101. Paragraph 101 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 101 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 101 and, on that basis, deny those allegations.

102. Paragraph 102 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 102 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information

sufficient to form a belief as to the truth of the remaining allegations in Paragraph 102 and, on that basis, deny those allegations.

103. Paragraph 103 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 103 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 103 and, on that basis, deny those allegations.

104. Paragraph 104 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 104 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 104 and, on that basis, deny those allegations.

105. Paragraph 105 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 105 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 105 and, on that basis, deny those allegations.

106. Paragraph 106 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 106 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 106 and, on that basis, deny those allegations.

107. Paragraph 107 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 107 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 107 and, on that basis, deny those allegations.

108. Paragraph 108 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 108 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 108 and, on that basis, deny those allegations.

109. Paragraph 109 consists of legal conclusions to which no response is required. To the extent as response is required, the Tyson Defendants deny the allegations in Paragraph 109 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 109 and, on that basis, deny those allegations.

110. Paragraph 110 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 110 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 110 and, on that basis, deny those allegations.

111. Paragraph 111 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 111 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information

sufficient to form a belief as to the truth of the remaining allegations in Paragraph 111 and, on that basis, deny those allegations.

112. Paragraph 112 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 112 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 112 and, on that basis, deny those allegations.

113. Paragraph 113 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 113 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 113 and, on that basis, deny those allegations.

114. Paragraph 114 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 114 and, on that basis, deny those allegations.

115. Paragraph 115 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 115 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 115 and, on that basis, deny those allegations.



116. Paragraph 116 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 116 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 116 and, on that basis, deny those allegations.

117. Paragraph 117 consists of legal allegations to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 117 as they relate to Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 117 and, on that basis, deny those allegations.

118. Paragraph 118 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 118 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 118 and, on that basis, deny those allegations.

119. Paragraph 119 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 119 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 119 and, on that basis, deny those allegations.

120. Paragraph 120 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in paragraph 120 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information

sufficient to form a belief as to the truth of the remaining allegations in Paragraph 120 and, on that basis, deny those allegations.

121. Paragraph 121 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in paragraph 121 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 121 and, on that basis, deny those allegations.

122. Paragraph 122 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in paragraph 122 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 122 and, on that basis, deny those allegations.

123. Paragraph 123 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in paragraph 123 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 123 and, on that basis, deny those allegations.

124. Paragraph 124 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in paragraph 124 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 124 and, on that basis, deny those allegations.

125. Paragraph 125 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in paragraph 125 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 125 and, on that basis, deny those allegations.

126. Paragraph 126 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 126 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 126 and, on that basis, deny those allegations.

127. Paragraph 127 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 127 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 127 and, on that basis, deny those allegations.

128. Paragraph 128 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 128 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 128 and, on that basis, deny those allegations.

129. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 129 and, on that basis, deny those allegations, except

they admit that they and/or their affiliates compensate the team members at poultry processing plants that are owned and/or operated by the Tyson Defendants and/or their affiliates.

130. The Tyson Defendants deny the allegations in Paragraph 130 as they relate to the Tyson Defendants, except they admit that certain of their affiliates employed team members at poultry processing plants that are owned and/or operated by the Tyson Defendants and/or their affiliates. The Tyson Defendants lack the knowledge or information to form a belief as to the truth of the remaining allegations in Paragraph 130 and, on that basis, deny those allegations.

131. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 131 and, on that basis, deny those allegations.

132. Paragraph 132 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 132 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 132 and, on that basis, deny those allegations.

133. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 133 and, on that basis, deny those allegations.

134. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 134 and, on that basis, deny those allegations.

135. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 135 and, on that basis, deny those allegations, except they admit that poultry processed for consumption is sold in various forms.

136. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 136 and, on that basis, deny those allegations.

137. The Tyson Defendants deny the allegations in Paragraph 137 as to the Tyson Defendants as incomplete and/or inaccurate, except they admit that they and/or certain of their affiliates have had operations at different stages of the poultry production process. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 137 and, on that basis, deny those allegations.

138. The Tyson Defendants deny the allegations in Paragraph 138 as incomplete and/or inaccurate, except they admit that slaughterhouse and kill facilities are types of poultry processing plants.

139. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 139 and, on that basis, deny those allegations, except they admit that they and/or their affiliates currently operate 191 poultry processing plants in the continental United States.

140. The Tyson Defendants deny the allegations in Paragraph 140 as to the Tyson Defendants as incomplete and/or inaccurate. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 140 and, on that basis, deny those allegations.

141. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 141 and, on that basis, deny those allegations.

142. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 142 and, on that basis, deny those allegations.

143. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 143 and, on that basis, deny those allegations.

144. The Tyson Defendants deny the allegations in Paragraph 144 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 144 and, on that basis, deny those allegations.

145. The Tyson Defendants deny the allegations in Paragraph 145 as they relate to the Tyson Defendants, except they admit that team members described as live hangers, eviscerators, deboners, and first line supervisors perform some of the jobs described therein. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 145 and, on that basis, deny those allegations.

146. The Tyson Defendants deny the allegations in Paragraph 146 as incomplete and/or inaccurate as they relate to Tyson, except they admit that certain of their affiliates employed and/or compensated team members at poultry processing plants that are owned and/or operated by the Tyson Defendants and/or their affiliates. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 146 and, on that basis, deny those allegations.

147. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 147 and, on that basis, deny those allegations, except they admit that they and/or their affiliates compensated production and maintenance team members.

148. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 148 and, on that basis, deny those allegations.

149. The Tyson Defendants deny the allegations in Paragraph 149 as incomplete and/or inaccurate, except they admit that they and/or certain of their affiliates compensated team members

with benefits. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 149 and, on that basis, deny those allegations.

150. The Tyson Defendants deny the allegations in Paragraph 150 as they relate to the Tyson Defendants, except they admit that they and/or certain of their affiliates compensated team members with wages and benefits. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 150 and, on that basis, deny those allegations.

151. The Tyson Defendants deny the allegations in Paragraph 151 as incomplete and/or inaccurate as they relate to the Tyson Defendants, except they admit that some hourly-paid positions at poultry processing plants owned and/or operated by certain of their affiliates were paid more than other hourly-paid positions. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 151 and, on that basis, deny those allegations.

152. The Tyson Defendants deny the allegations in Paragraph 152 as they relate to the Tyson Defendants, except they admit that some salaried-paid positions at poultry processing plants owned and/or operated by certain of their affiliates were paid more than other salaried-paid positions. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 152 and, on that basis, deny those allegations.

153. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 153 and, on that basis, deny those allegations.

154. The Tyson Defendants deny the allegations in Paragraph 154 as incomplete and/or inaccurate as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or

information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 154 and, on that basis, deny those allegations.

155. The Tyson Defendants deny the allegations in Paragraph 155 as incomplete and/or inaccurate as they relate to the Tyson Defendants, but lack knowledge or information sufficient to form a belief as to the truth of the allegation that a Tyson team member made the statements referenced in the second sentence of Paragraph 155. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations and, on that basis, deny those allegations.

156. The Tyson Defendants deny the allegations in Paragraph 156 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegation in Paragraph 156 and, on that basis, deny those allegations.

157. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegation that a Tyson Foods team member made the statements referenced in Paragraph 157 and, on that basis, deny those allegations.

158. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 158 and, on that basis, deny those allegations.

159. The Tyson Defendants deny the allegations in Paragraph 159 as incomplete and/or inaccurate as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 159 and, on that basis, deny those allegations.

160. Paragraph 160 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in the first sentence



of Paragraph 160 as they relate to the Tyson Defendants and expressly states that its practices never left employees in poverty. The Tyson Defendants deny that Paragraph 160 accurately summarizes or quotes the cited document or the context and, on that basis, deny those allegations. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 160 and, on that basis, deny those allegations.

161. The Tyson Defendants deny that Paragraph 161 accurately summarizes or quotes the cited documents or the context and, on that basis, deny those allegations. The Tyson Defendants lack knowledge and information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 161 and, on that basis, deny those allegations, except the Tyson Defendants acknowledge that some jobs performed by the Tyson Defendants' employees require safety protections and that employee safety is the Tyson Defendants' first priority.

162. The Tyson Defendants deny that Paragraph 162 accurately summarizes or quotes the cited document or the context and, on that basis, deny those allegations.

163. The Tyson Defendants deny the allegations in Paragraph 163 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the remaining allegations in Paragraph 163 and, on that basis, deny those allegations.

164. The Tyson Defendants deny that Paragraph 164 accurately summarizes or quotes the cited material or the context and, on that basis, deny those allegations as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 164 and, on that basis, deny those allegations.

165. The Tyson Defendants deny that Paragraph 165 accurately summarizes or quotes the cited document or the context and, on that basis, deny those allegations as they relate to the

Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 165 and, on that basis, deny those allegations.

166. The Tyson Defendants deny that Paragraph 166 accurately summarizes or quotes the cited material or the context and, on that basis, deny those allegations as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 166 and, on that basis, deny those allegations.

167. The Tyson Defendants deny that Paragraph 167 accurately summarizes or quotes the cited document or the context and, on that basis, deny those allegations as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 167 and, on that basis, deny those allegations.

168. The Tyson Defendants admit that multiple factors, including experience, education, and language skills, are considered in the hiring of salaried positions at poultry processing plants owned and/or operated by certain of their affiliates. The Tyson Defendants lack knowledge or information to form a belief as to the truth of the remaining allegations in Paragraph 168 and, on that basis, deny those allegations

169. Paragraph 169 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 169 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 169 and, on that basis, deny those allegations.

170. Paragraph 170 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 170 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 170 and, on that basis, deny those allegations.

171. Paragraph 171 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 171 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the remaining allegations in Paragraph 171 and, on that basis, deny those allegations.

172. Paragraph 172 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 172 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 172 and, on that basis, deny those allegations.

173. Paragraph 173 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 173 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 173 and, on that basis, deny those allegations.

174. The Tyson Defendants deny the allegations in Paragraph 174 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a

belief as to the truth of the remaining allegations in Paragraph 174 and, on that basis, deny those allegations.

175. The Tyson Defendants deny the allegations in Paragraph 175 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 175 and, on that basis, deny those allegations.

176. The Tyson Defendants deny the allegations in Paragraph 176 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 176 and, on that basis, deny those allegations.

177. Paragraph 177 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 177 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 177 and, on that basis, deny those allegations.

178. The Tyson Defendants deny the allegations in Paragraph 178 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 178 and, on that basis, deny those allegations.

179. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 179 and, on that basis, deny those allegations, except they admit that the quoted language has appeared on the WMS website.

180. The Tyson Defendants deny the allegations in Paragraph 180 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 180 and, on that basis, deny those allegations.

181. The Tyson Defendants deny the allegations in Paragraph 181 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 181 and, on that basis, deny those allegations.

182. The Tyson Defendants deny the allegations in Paragraph 182 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 182 and, on that basis, deny those allegations.

183. The Tyson Defendants deny the allegations in Paragraph 183 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 183 and, on that basis, deny those allegations.

184. The Tyson Defendants deny the allegations in Paragraph 184 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 184 and, on that basis, deny those allegations.

185. The Tyson Defendants deny the allegations in Paragraph 185 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a

belief as to the truth of the remaining allegations in Paragraph 185 and, on that basis, deny those allegations.

186. The Tyson Defendants deny the allegations in Paragraph 186 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 186 and, on that basis, deny those allegations.

187. Paragraph 187 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 187 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 187 and, on that basis, deny those allegations.

188. Paragraph 188 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 188 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 188 and, on that basis, deny those allegations

189. Paragraph 189 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 189 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 189 and, on that basis, deny those allegations.

190. Paragraph 190 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 190 as

they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 190 and, on that basis, deny those allegations.

191. Paragraph 191 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants lack knowledge or information sufficient to form a belief about whether a Tyson Foods executive made the statements referenced in Paragraph 191, and on that basis deny those allegations. The Tyson Defendants deny the remaining allegations in Paragraph 191 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 191 and, on that basis, deny those allegations.

192. Paragraph 192 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 192 and, on that basis, deny those allegations.

193. Paragraph 193 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 193 as they relate to Tyson Foods. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 193 and, on that basis, deny those allegations.

194. Paragraph 194 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 194 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information

sufficient to form a belief as to the truth of the remaining allegations in Paragraph 194 and, on that basis, denied those allegations.

195. Paragraph 195 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 195 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 195 and, on that basis, deny those allegations.

196. Paragraph 196 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 196 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 196 and, on that basis, deny those allegations.

197. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 197 and, on that basis, deny those allegations.

198. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 198 and, on that basis, deny those allegations.

199. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 199 and, on that basis, deny those allegations.

200. The Tyson Defendants deny the allegations in Paragraph 200 are complete and/or accurate as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 200 and, on that basis, deny those allegations.



201. Paragraph 201 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 201 and, on that basis, deny those allegations.

202. The Tyson Defendants deny the allegations in Paragraph 202 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 202 and, on that basis, deny those allegations.

203. The Tyson Defendants deny the allegations in Paragraph 203 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 203 and, on that basis, deny those allegations.

204. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 204 and, on that basis, deny those allegations.

205. The Tyson Defendants deny the allegations in Paragraph 205 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 205 and, on that basis, deny those allegations.

206. The Tyson Defendants deny the allegations in Paragraph 206 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 206 and, on that basis, deny those allegations.

207. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 207 and, on that basis, deny those allegations.

208. The Tyson Defendants deny the allegations in Paragraph 208 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 208 and, on that basis, deny those allegations.

209. Paragraph 209 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 209 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 209 and, on that basis, deny those allegations.

210. Paragraph 210 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 210 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 210 and, on that basis, deny those allegations.

211. Paragraph 211 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 211 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 211 and, on that basis, deny those allegations.

212. The Tyson Defendants deny the allegations in Paragraph 212 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a

belief as to the truth of the remaining allegations in Paragraph 212 and, on that basis, deny those allegations.

213. Paragraph 213 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 213 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 213 and, on that basis, deny those allegations.

214. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 214 and, on that basis, deny those allegations.

215. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 215 and, on that basis, deny those allegations.

216. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 216 and, on that basis, deny those allegations.

217. Paragraph 217 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 217 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 217 and, on that basis, deny those allegations.

218. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 218 and, on that basis, deny those allegations.

219. Paragraph 219 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 219 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information

sufficient to form a belief as to the truth of the remaining allegations in Paragraph 219 and, on that basis, deny those allegations.

220. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 220 and, on that basis, deny those allegations.

221. Paragraph 221 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 221 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 221 and, on that basis, deny those allegations.

222. Paragraph 222 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 222 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 222 and, on that basis, deny those allegations.

223. The Tyson Defendants deny that Paragraph 223 accurately or completely summarizes or quotes the cited article or the context and, on that basis, deny those allegations.

224. The Tyson Defendants lack the knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 224 and, on that basis, deny those allegations.

225. Paragraph 225 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 225 as they relate to the Tyson Defendants, except admit that they and/or their affiliates own and/or operate poultry processing plants. The Tyson Defendants lack knowledge or information sufficient

to form a belief as to the truth of the remaining allegations in Paragraph 225 and, on that basis, deny those allegations.

226. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 226 and, on that basis, deny those allegations.

227. The Tyson Defendants deny that Paragraph 227 accurately or completely summarizes or quotes the cited statement or the context and, on that basis, deny those allegations.

228. The Tyson Defendants deny the allegations in Paragraph 228 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 228 and, on that basis, deny those allegations.

229. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 229 and, on that basis, deny those allegations.

230. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 230 and, on that basis, deny those allegations.

231. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 231 and, on that basis, deny those allegations.

232. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 232 and, on that basis, deny those allegations.

233. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 233 and, on that basis, deny those allegations.

234. The Tyson Defendants deny the allegations in Paragraph 234 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a

belief as to the truth of the remaining allegations in Paragraph 234 and, on that basis, deny those allegations.

235. Paragraph 235 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 235 and, on that basis, deny those allegations.

236. The Tyson Defendants deny the allegations in Paragraph 236 as they relate to the Tyson Defendants, except they admit that they and/or their affiliates have had operations at different stages of the poultry production process. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 236 and, on that basis, deny those allegations.

237. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 237 and, on that basis, deny those allegations.

238. The Tyson Defendants deny that Paragraph 238 accurately or completely summarizes or quotes the cited document or context and, on that basis, deny those allegations. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 238 and, on that basis, deny those allegations.

239. The Tyson Defendants deny the allegations in Paragraph 239 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 239 and, on that basis, deny those allegations.

240. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 240 and, on that basis, deny those allegations.

241. The Tyson Defendants deny the allegations in Paragraph 241, except admit that regulators have investigated aspects of the poultry industry, including since 2019.

242. The Tyson Defendants deny the allegations in Paragraph 242 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 242 and, on that basis, deny those allegations.

243. Paragraph 243 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 243 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 243 and, on that basis, deny those allegations.

244. Paragraph 244 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 244 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 244 and, on that basis, deny those allegations.

245. Paragraph 245 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 245 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 245 and, on that basis, deny those allegations.

246. Paragraph 246 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 246 as

they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 246 and, on that basis, deny those allegations.

247. Paragraph 247 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegation in Paragraph 247 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 247 and, on that basis, deny those allegations.

248. Paragraph 248 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 248 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 248 and, on that basis, deny those allegations.

249. The Tyson Defendants deny the allegations in Paragraph 249.

250. The Tyson Defendants deny the allegations in Paragraph 250.

251. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 251 and, on that basis, deny those allegations.

252. The Tyson Defendants deny the allegations in Paragraph 252 as they relate to the Tyson Defendants, except they admit that Tyson Foods and its affiliates help team members develop a better command of the English language. The Tyson Defendants lack knowledge or information sufficient to form a belief about whether a Tyson team member made the statements referenced in Paragraph 252, and on that basis deny those allegations. Tyson lack knowledge or



information sufficient to form a belief as to the remaining allegations in Paragraph 252 and, on that basis, deny those allegations.

253. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 253 and, on that basis, deny those allegations.

254. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 254 and, on that basis, deny those allegations.

255. The Tyson Defendants deny that Paragraph 255 completely or accurately summarizes or quotes the cited statement or the context and, on that basis, deny those allegations. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the remaining allegations in Paragraph 255 and, on that basis, deny those allegations.

256. The Tyson Defendants deny the allegations in Paragraph 256 as they relate to the Tyson Defendants, except they admit that compensation is influenced by many factors including experience and skill. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 256 and, on that basis, deny those allegations.

257. The Tyson Defendants deny the allegations in Paragraph 257 as incomplete or inaccurate.

258. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 258 and, on that basis, deny those allegations.

259. The Tyson Defendants deny that Paragraph 259 accurately or completely quotes or summarizes the cited document or the context and, on that basis, deny those allegations. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 259 and, on that basis, deny those allegations.

260. The Tyson Defendants deny the allegations in Paragraph 260.

261. The Tyson Defendants deny the allegations in Paragraph 261 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the remaining allegations in Paragraph 261 and, on that basis, deny those allegations.

262. The Tyson Defendants deny the allegations in Paragraph 262.

263. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 263 and, on that basis, deny those allegations.

264. Paragraph 264 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 264 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the remaining allegations in Paragraph 264 and, on that basis, deny those allegations.

265. Paragraph 265 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 265.

266. Paragraph 266 contains legal conclusions to which no response is required. To the extent a response is required the Tyson Defendants deny the allegations in Paragraph 266.

267. Paragraph 267 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 267 as incomplete or inaccurate.

268. Paragraph 268 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 268.

269. The Tyson Defendants deny that Paragraph 269 accurately or completely summarizes or quotes the cited material or the context and, on that basis, deny those allegations.

The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 269 and, on that basis, deny those allegations, except admit that they and/or their affiliates employ team members at poultry processing plants owned and/or operated by the Tyson Defendants and/or their affiliates.

270. Paragraph 270 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 270 and, on that basis, deny those allegations, except they admit that they and/or their affiliates employ team members at poultry processing plants owned and/or operated by the Tyson Defendants and/or their affiliates.

271. The Tyson Defendants lack knowledge or information sufficient to form a belief as to whether a Tyson Foods team member made the statements referenced cited in Paragraph 271, and on that basis deny the allegations in Paragraph 271.

272. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 272 and, on that basis, deny those allegations.

273. The Tyson Defendants deny the allegations in Paragraph 273 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 273 and, on that basis, deny those allegations.

274. Paragraph 274 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants lack knowledge or information sufficient to form a belief as to whether a former Tyson Foods team member made the statement referenced in Paragraph 274, and on that basis deny the allegations in the last sentence of Paragraph 274. The Tyson Defendants deny the remaining allegations in Paragraph 274 as they relate to the Tyson

Defendants as incomplete and/or inaccurate, except the Tyson Defendants admit that Tyson Foods and its affiliates compensate team members equitably. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 274 and, on that basis, deny those allegations.

275. Paragraph 275 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 275 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the remaining allegations in Paragraph 275 and, on that basis, deny those allegations.

276. Paragraph 276 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 276 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 276 and, on that basis, deny those allegations.

277. Paragraph 277 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 277 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the remaining allegations in Paragraph 277 and, on that basis, deny those allegations.

278. Paragraph 278 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 278 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information

sufficient to form a belief as to the remaining allegations in Paragraph 278 and, on that basis, deny those allegations.

279. Paragraph 279 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 279 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the remaining allegations in Paragraph 279 and, on that basis, deny those allegations.

280. Paragraph 280 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 280 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the remaining allegations and, on that basis, deny those allegations.

281. Paragraph 281 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 281 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the remaining allegations in Paragraph 281 and, on that basis, deny those allegations.

282. Paragraph 282 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny that Paragraph 282 accurately or completely summarizes or quotes the cited statement or the context and, on that basis, deny those allegations. The Tyson Defendants deny the remaining allegations in Paragraph 282 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the remaining allegations in Paragraph 282 and, on that basis, deny those allegations.

283. The Tyson Defendants deny that Paragraph 283 accurately or completely summarizes or quotes the cited materials and, on that basis, deny those allegations, except they admit that Tyson Foods has truthfully represented compensation to team members as being fair and competitive. The Tyson Defendants deny the remaining allegations in Paragraph 283 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the remaining allegations in Paragraph 283 and, on that basis, deny those allegations.

284. Paragraph 284 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 284 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 284 and, on that basis, deny those allegations.

285. Paragraph 285 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 285 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 285 and, on that basis, deny those allegations.

286. The Tyson Defendants deny the allegations in Paragraph 286 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 286 and, on that basis, deny those allegations.

287. The Tyson Defendants deny the allegations in Paragraph 287 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a

belief as to the truth of the remaining allegations in Paragraph 287 and, on that basis, deny those allegations.

288. The Tyson Defendants deny the allegations in Paragraph 288 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 288 and, on that basis, deny those allegations.

289. Paragraph 289 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 289 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 289 and, on that basis, deny those allegations.

290. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 290 and, on that basis, deny those allegations.

291. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 291 and, on that basis, deny those allegations.

292. Paragraph 292 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 292 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 292 and, on that basis, deny those allegations.

293. Paragraph 293 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 293 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information

sufficient to form a belief as to the truth of the remaining allegations of Paragraph 293 and, on that basis, deny those allegations.

294. The Tyson Defendants deny that a class should be certified in this action and, on that basis, deny the allegations in Paragraph 294, except they admit that Paragraph 294 contains Plaintiffs' proposed definition for the putative class.

295. The Tyson Defendants deny that a class should be certified in this action and, on that basis, deny the allegations in Paragraph 295, except they admit that Paragraph 295 describes exclusions from Plaintiffs' proposed definition of the putative class.

296. Paragraph 296 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 296.

297. Paragraph 297 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 297, and on that basis deny the allegations in Paragraph 297.

298. Paragraph 298 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 298.

299. Paragraph 299 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 299.

300. Paragraph 300 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 300.

301. Paragraph 301 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 301.



302. Paragraph 302 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 302.

303. Paragraph 303 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations on Paragraph 303.

304. Paragraph 304 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations of Paragraph 304.

305. Paragraph 305 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 305, and on that basis deny those allegations.

306. Paragraph 306 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations of Paragraph 306.

307. Paragraph 307 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations of Paragraph 307.

308. The Tyson Defendants admit that Paragraph 308 purports to incorporate and re-allege the preceding Paragraphs of the Second ACC. In response to Paragraph 308, the Tyson Defendants repeat each of their responses to each of the allegations contained in Paragraphs 1 through 307 of the Second ACC as if they were stated in this Paragraph.

309. Paragraph 309 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 309 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 309 and, on that basis, deny those allegations.

310. Paragraph 310 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 310 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 310, and on that basis deny those allegations.

311. Paragraph 311 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 311 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 311, and on that basis deny those allegations.

312. Paragraph 312 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 312 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 312, and on that basis deny those allegations.

313. Paragraph 313 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 313 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 313, and on that basis deny those allegations.

314. The Tyson Defendants admit that Paragraph 314 purports to incorporate the preceding Paragraphs of the Second ACC. The Tyson Defendants repeat each of their responses

to each of the allegations contained in Paragraphs 1 through 313 of the Second ACC as if they were stated in this Paragraph.

315. Paragraph 315 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 315 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 315 and, on that basis, deny those allegations.

316. Paragraph 316 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 316.

317. Paragraph 317 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 317 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 317 and, on that basis, deny those allegations.

318. Paragraph 318 contains legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 318 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 318 and, on that basis, deny those allegations.

319. The Tyson Defendants deny the allegations in Paragraph 319 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 319 and, on that basis, deny those allegations.

320. Paragraph 320 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 320 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 320 and, on that basis, deny those allegations.

321. Paragraph 321 contains legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 321 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 321 and, on that basis, deny those allegations.

322. Paragraph 322 contains legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 322 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 322 and, on that basis, deny those allegations.

323. Paragraph 323 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 323 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 323 and, on that basis, deny those allegations.

324. Paragraph 324 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny that Paragraph 324 completed and/or accurately quotes or summarizes the cited document, and the Tyson Defendants deny the

allegations in Paragraph 324 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 324.

325. Paragraph 325 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 325 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 325, and on that basis deny those allegations.

326. Paragraph 326 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 326 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 326 and, on that basis, deny those allegations.

327. Paragraph 327 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 327 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 327 and, on that basis, deny those allegations.

328. Paragraph 328 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 328 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 328 and, on that basis, deny those allegations.

329. The Tyson Defendants deny the allegations in Paragraph 329 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 329 and, on that basis, deny those allegations.

330. The Tyson Defendants deny the allegations in Paragraph 330 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 330 and, on that basis, deny those allegations.

331. Paragraph 331 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 331 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 331 and, on that basis, deny those allegations.

332. Paragraph 332 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 332 as they relate to the Tyson Defendants. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 332 and, on that basis, deny those allegations.

333. Paragraph 333 consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny the allegations in Paragraph 333.

334. The Prayer for Relief consists of legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny that Plaintiffs are entitled to the requested relief.

## **AFFIRMATIVE DEFENSES**

Without assuming any burden it would not otherwise bear, the Tyson Defendants assert the following additional and/or affirmative defenses to Plaintiffs' Second ACC.

### **FIRST AFFIRMATIVE DEFENSE**

The statute of limitations bars the claims set forth in the Second ACC. The statute of limitations for Plaintiffs' claims is four years. 15 U.S.C. § 15b. Plaintiffs assert that the conspiracy began in 2009. The action was thus brought after the expiration of the limitations period. The facts do not establish fraudulent concealment and therefore the limitations period was not tolled and Plaintiffs' claims are time-barred.

### **SECOND AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred, in whole or in part, by the doctrines of waiver, estoppel, unclean hands, and/or laches. Plaintiffs demonstrated an unreasonable lack of diligence in bringing their claims. The challenged conduct allegedly began over ten years before plaintiffs commenced this action. *See, e.g.*, Compl. ¶ 169 ("Beginning in January 2009 . . . Defendants have conspired with each other to fix and depress the compensation paid to employees of Defendant Processors, their subsidiaries, and related entities at poultry processing plants in the continental United States."). The facts relied upon by plaintiffs in support of Count II were revealed publicly long ago, and in some cases, disclosed directly to plaintiffs. *See* Compl. ¶ 214-15; *see also Jien*, 2020 WL 5544183, at \*14 ("Plaintiffs' own allegations suggest that as early as 2009, unions representing putative class members knew that certain Defendant Processors 'insist[ed] during negotiations that wages would have to be within the parameters contained in Agri Stats.'"). Further, plaintiffs allege that the subscription to Agri Stats by poultry producers was disclosed to the general public by at least 2009. *See* Compl. ¶ 201 (quoting public statement that "97% of the broiler industry" and "about 95% of the turkey industry" subscribed to Agri Stats); *see also id.* ¶

269 (acknowledging wage data for poultry processing workers and workers in comparable industries was available publicly before the statute of limitations ran). Plaintiffs nevertheless slept on their claims until August 30, 2019, resulting in prejudice to the Tyson Defendants. Among other things, while plaintiffs reaped the benefits of the Tyson Defendants' substantial investments in pay raises in order to retain and recruit processing plant employees in a highly competitive labor market. Plaintiffs' unreasonable lack of diligence in raising their claims bars them now. Accordingly, the equitable principles embodied in the laches doctrine bar plaintiffs from seeking relief after delaying so long.

### **THIRD AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred because they lack standing to bring claims on behalf of turkey-processing and salaried employees. "To have standing to sue as a class representative it is essential that a plaintiff...possess the same interest and suffer the same injury shared by all members of the class he represents." *Schlesinger v. Reservists Comm. to Stop the War*, 418 U.S. 208, 216 (1974). In this case, Plaintiffs purport to bring claims on behalf of salaried employees and workers at turkey-processing plants as well. The named Plaintiffs, however, only held hourly positions at chicken-processing plants. Thus, Plaintiffs lack standing to bring claims on behalf of non-hourly and/or non-chicken processing employees.

### **FOURTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred, in whole or in part, under the non-statutory labor exemption to the federal antitrust laws. The Supreme Court has "recognized . . . that a proper accommodation between the congressional policy favoring collective bargaining . . . and the congressional policy favoring free competition in business markets requires that some union-employer agreements be accorded a . . . nonstatutory exemption from antitrust sanctions" because "[u]nion success in



organizing workers and standardizing wages ultimately will affect price competition among employers.” *Connell Const. Co. v. Plumbers & Steamfitters Loc. Union No. 100*, 421 U.S. 616, 622 (1975). The exemption “exists . . . to allow meaningful collective bargaining to take place by protecting some restraints on competition imposed through the bargaining process from antitrust scrutiny.” *Clarett v. Nat’l Football League*, 369 F.3d 124, 143 (2d Cir. 2004) (cleaned up). The nonstatutory labor exemption applies regardless of whether the employer is allegedly acting in concert with or in opposition to a labor organization. *See Local No. 189, Amalgamated Meat Cutters & Butcher Workmen v. Jewel Tea Co.*, 381 U.S. 676 (1965); *see also Brown v. Pro Football, Inc.*, 518 U.S. 231, 236 (1996). Plaintiffs admit that approximately one-third of hourly-paid workers at poultry processing plants are members of labor unions and that the United Food and Commercial Workers International Union represents approximately 90% of those unionized workers. Compl. ¶ 158. Among other things, for poultry processing employees represented by a labor union, wages, hours, benefits, and other working conditions are mandatory subjects of bargaining between the worker and the employer. To the extent the exchange of wage data helped facilitate the collective bargaining process, some or all of plaintiffs’ claims are barred by the nonstatutory labor exemption to the antitrust laws.

#### **FIFTH AFFIRMATIVE DEFENSE**

Plaintiffs and members of the putative class members could have mitigated their damages but did not, and Plaintiffs and the putative class members are therefore barred from recovery. Alternatively, any alleged damages sustained by Plaintiffs and the putative class members must be reduced by the amount that such damages would have been reduced had Plaintiffs and the putative classes exercised reasonable diligence in mitigating their damages. The facts that Plaintiffs cite in support of their claims were made public more than four years ago. To the extent Plaintiffs

believed that the Tyson Defendants had unfairly decreased or suppressed their wages, Plaintiffs had an obligation to mitigate their damages by seeking other employment, including from other producers. Plaintiffs' failure to exercise reasonable care to mitigate damages was the complete or partial cause of any damages Plaintiffs may have suffered.

#### **SIXTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred, in whole or in part, to the extent any agreement pursuant to which Plaintiffs were employed by the Tyson Defendants contains arbitration clauses or clauses providing a different forum for the resolution of its claims. *See, e.g., In re Titanium Dioxide Antitrust Litig.*, 962 F. Supp. 2d 840 (D. Md. 2013).

#### **SEVENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims and the claims of putative class members are barred under *Copperweld Corp. v. Independence Tube Corp.*, to the extent their claims are premised upon a conspiracy between the Tyson Defendants and their subsidiaries and/or affiliates. 4467 U.S. 752, 771 (1984).

#### **EIGHTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims and the claims of any putative class members are barred, in whole or in part, to the extent that Plaintiffs and any putative class members seek improper multiple damage awards or damages duplicative of those sought in other litigation.

#### **NINTH AFFIRMATIVE DEFENSE**

Any recovery by the Plaintiffs or putative class members must be reduced or offset by amounts the Plaintiffs or putative class members received or will receive, by way of settlement or otherwise, from others for the same injuries claimed in this lawsuit.

#### **TENTH AFFIRMATIVE DEFENSE**

The Tyson Defendants have insufficient knowledge or information upon which to form a basis as to whether it may have additional, as-yet-unstated, separate defenses or counterclaims available to it. The Tyson Defendants reserve the right to amend this Answer to add, supplement or modify defenses and counterclaims based upon legal theories that may be or will be divulged through clarification of the Complaint, through decisions of the Court, through discovery, or through further factual or legal analysis of Plaintiffs' allegations, contentions and positions in this litigation.

#### **ELEVENTH AFFIRMATIVE DEFENSE**

The Tyson Defendants incorporate by reference and asserts to the extent applicable all of the affirmative defenses set forth in the answers to the Second ACC of each of the other Defendants.

#### **PRAYER FOR RELIEF**

WHEREFORE, the Tyson Defendants pray as follows:

1. That the Complaint be dismissed with prejudice;
2. That the Court enter judgment in favor of the Tyson Defendants;
3. That the Court award the Tyson Defendants its costs and expenses;
4. That the Court award further relief as deemed just and proper.

#### **DEMAND FOR JURY TRIAL**

Pursuant to Fed. R. Civ. P. 38(b), the Tyson Defendants demand a trial by jury as to all issues so triable.

Dated: April 7, 2021

Respectfully submitted,

/s/ Eric Pelletier

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